

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATEDDate of filing in State Engineer's Office **FEB 12 1991**

Returned to applicant for correction

Corrected application filed Map filed **FEB 19 1991**The applicant **Otis and Marilyn Tipton**

P.O. Box 1555

of **Elko**

Street and No. or P.O. Box No.

City or Town

Nevada 89801

State and Zip Code No.

hereby make application for permission to change the

Point of Diversion of a portion

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under **Humboldt River Decree Proof No. 00370**

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is **Stoffer Creek A.K.A. Tenmile Creek**
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed **0.12 c.f.s. - 28.47 acre feet**
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for **"As Decreed" Purposes**
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for **"As Decreed" Purposes**
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point **Within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 2) of Section 30, Township 33 North, Range 57 East, M.D.B.&M., at a point from which the Northwest Corner of said Section 30, bears North 19°56'15" West a distance of 1986.45 feet.**
Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.
6. The existing permitted point of diversion is located within **SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 33 North, Range 57 East, M.D.B.&M., as shown on ; the decree culture map.**
If point of diversion is not changed, do not answer.
7. Proposed place of use **(See remarks). "As Decreed"**
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
8. Existing place of use **"As Decreed" (See remarks).**
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from **"As Decreed"** to **"As Decreed"** of each year.
Month and Day Month and Day
10. Use was permitted from **"As Decreed"** to **"As Decreed"** of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) **Diversion structure and ditch system to place of use.**
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.
12. Estimated cost of works **- Existing**
13. Estimated time required to construct works **None - Existing**

14. Estimated time required to complete the application of water to beneficial use Two Years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

The Original Point of Diversion is located off the Tipton property. the New
Point of Diversion is located on the Tipton property and is more convenient.
It has been determined by utilizing the percentage method that 9.49 acres-
(Harvest) of decreed water rights are appurtenant to the Tipton property.

By s/Michael D. Buschelman - Agent
5405 Mae Anne Avenue
Reno, Nevada 89523

Compared pm/ am am/se

Protested 4/8/91 by Joseph B. Key

Pro. wdr. 6-20-91

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of a portion of the waters of Stoffer Creek aka Tenmile Creek as heretofore appropriated under Proof 00370 as appears in the Humboldt River Decree No. 2804 entered October 20, 1931 and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.12 cubic feet per second, and 28.47 acre-feet per season as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before March 12, 1994

Proof of completion of work shall be filed before April 12, 1994

Application of water to beneficial use shall be made on or before March 12, 1997

Proof of the application of water to beneficial use shall be filed on or before April 12, 1997

Map in support of proof of beneficial use shall be filed on or before April 12, 1997

Completion of work filed MAY 7 - 1993

Proof of beneficial use filed APR 02 1997

Cultural map filed APR 02 1997

Certificate No. 14765 Issued DEC 10 1997

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
 State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 12th day of March

A.D. 1992

[Signature]
 State Engineer

Abrogated By Per 68363 0-0198